

CHALKER FLORES, LLP

INTELLECTUAL PROPERTY LAW

Fax

DATE: April 17, 2003

TO	Box / Fax No.	RE:
US Patent and Trademark Office	TC1600 Before Final: 703-872-9306	Serial No. 09/776,202 Filing Date: 2/2/01 Inventor: Garner

FROM	Edwin Flores	eflores@chalkerflores.com
DIRECT LINE	214-866-0001	
DIRECT FAX	214-866-0010	
CLIENT/MATTER NO.	UTSW:1028	
TOTAL PAGES (<i>including cover</i>)	19	
Customer No.	34,725	

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OFFICIAL**Comments**

Attached for filing please find:

- (1) Fee Transmittal - 1 pg.
- (2) PTO Form 2038 - 1 pg.
- (3) Petition for Extension of Time Under 37 CFR 1.136(a) - 1 pg.
- (4) Response to Office Action of 10-23-02 - 5 pgs.
- (5) Declaration Under 37 CFR 1.131 of Prior Invention ... - 10 pgs.

Thank you,

Edwin Flores, Reg. No. 38,453

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PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 465.00)

Complete if Known

Application Number	09/776,202
Filing Date	2/2/01
First Named Inventor	Gamer
Examiner Name	Forman, Betty J.
Art Unit	1634
Attorney Docket No.	UTSW:1028

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None Deposit Account

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Deposit Account Name	

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FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	-20**	x	9	=	Fee Paid
Independent Claims	- 3**	x	42	=	
Multiple Dependent			0	=	

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 260	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	**Reissue independent claims over original patent
1205 18	2205 9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

** or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

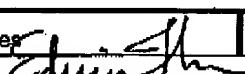
Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge – late filing fee or oath	
1052 50	2052 25	Surcharge – late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	Filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	\$465
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 965	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive – unavoidable	
1453 1,300	2453 650	Petition to revive – unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1480 130	1460 130	Petitions to the Commissioner	
1807 50	1807 60	Processing fee under 37 CFR 1.17(q)	
1806 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 465.00)

Complete if applicable

Name (Print/Type)	Edwin Flores	Registration No. (Attorney/Agent)	38,453	Telephone	(214) 866-0001
Signature	 <th>Date</th> <td>4/17/03</td> <th data-cs="2" data-kind="parent"></th> <th data-kind="ghost"></th>	Date	4/17/03		

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete. Including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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PTO-2038 (02-2000)

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Request and Payment Information

Description of Request and Payment Information:

3 month extension of time

Patent Fee	Patent Maintenance Fee	Trademark Fee	Other Fee
Application No. 09/776,202	Application No.	Serial No.	IDON Customer No.
Patent No.	Patent No.	Registration No.	
Attorney Docket No.		Identify or Describe Mark	
UTSW:1028			

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Appl. No.: 09/776,202
Response dated April 17, 2003
Office Action Oct. 23, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/776,202
Applicant : Harold R. Garner
Filed : February 2, 2001
Title : DIGITAL OPTICAL CHEMISTRY MICROMIRROR IMAGER

Group Art Unit : 1634
Examiner : Forman, Betty J.

Docket No. : UTSW:1028

Certificate of Facsimile Transmission 37 CFR 1.8	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on April 17, 2003 to TC 1600 for the Fax Center at (703)-872-9306.	
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Edwin S. Flores	
Typed or printed name of person signing certificate	

Commissioner for Patents
Washington, DC 20231

Sir:

Please find below a Response to Office Action in response to the Non-Final Office Action mailed October 23, 2002. Enclosed please find a three-month extension of time, which brings the time for reply to April 23, 2003.

Remarks begin on page 2 of this paper.